

Application No. OH0059552

Issue Date:

Effective Date:

Expiration Date: 5 Years

DRAFT COPY  
SUBJECT TO REVISION  
OHIO EPA

Ohio Environmental Protection Agency  
Authorization to Discharge Under the  
National Pollutant Discharge Elimination System

In compliance with the provisions of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et. seq., hereinafter referred to as the "Act"), and the Ohio Water Pollution Control Act (Ohio Revised Code Section 6111),

AMERICAN ENERGY CORPORATION - CENTURY MINE  
(formerly Bennoc, Inc. - Allison Mine)

is authorized by the Ohio Environmental Protection Agency, hereinafter referred to as "Ohio EPA," to discharge from the mine complex located at Wayne Township Road 288, in Section 3 of Wayne Township, near Armstrongs Mills, Ohio, Belmont County and discharging to Piney Creek in accordance with the conditions specified in Parts I, II, and III of this permit.

This permit is conditioned upon payment of applicable fees as required by Section 3745.11 of the Ohio Revised Code.

This permit and the authorization to discharge shall expire at midnight on the expiration date shown above. In order to receive authorization to discharge beyond the above date of expiration, the permittee shall submit such information and forms as are required by the Ohio EPA no later than 180 days prior to the above date of expiration.

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Christopher Jones  
Director

Total Pages: 21

Part I, A. - FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from outfall 01L00091008. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Table - Final Outfall - 008 - Final

Effluent Characteristic Parameter	Discharge Limitations				Monitoring Requirements		
	Concentration Maximum	Minimum	Specified Units	Loading* Daily	Measuring Frequency	Sampling Type	Monitoring Months
00045 - Total Precipitation - Inches	-	-	-	-	1/Day	Total	All
00400 - pH - S.U.	9.0	6.5	-	-	1 / 2 Weeks	Grab	All
00530 - Total Suspended Solids - mg/l	70	-	35	-	1 / 2 Weeks	Grab	All
01045 - Iron, Total (Fe) - ug/l	6000	-	3000	-	1 / 2 Weeks	Grab	All
01055 - Manganese, Total (Mn) - ug/l	4000	-	2000	-	1 / 2 Weeks	Grab	All
50050 - Flow Rate - MGD	-	-	-	-	1/Day	Total Estimate	All

Notes for Station Number 01L00091008:

- ALTERNATIVE LIMITS - Discharge from the outfall designated above may, as an option, conform with effluent limitations and monitoring requirements listed in Part II, Items (K)(1)(a) and (b) instead of those listed above provided that all conditions in Part II, Item (K)(2) are met.
- SAMPLE TYPE - Sampling shall be performed when discharging. IF NO DISCHARGE OCCURS DURING THE ENTIRE MONTH, report "AL" in the first column of the first day of the month on the 4500 Form (Monthly Operating Report). A signature is still required.
- SAMPLING FREQUENCY - See Part II, Item J.

Part I, A. - FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

2. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from outfall OIL00091601. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Table - Internal Monitoring Station - 601 - Final

Effluent Characteristic Parameter	Discharge Limitations			Monitoring Requirements		
	Concentration Maximum	Minimum	Specified Units	Loading* Daily	Measuring Frequency	Sampling Type
00083 - Color, Severity - Units	-	-	-	-	1/Day	Estimate
00300 - Dissolved Oxygen - mg/l	-	-	-	-	1/2 Weeks	Grab
00400 - pH - S.U.	9.0	6.5	-	-	1/2 Weeks	Grab
00530 - Total Suspended Solids - mg/l	18	-	12	0.68	1/2 Weeks	Grab
00610 - Nitrogen, Ammonia (NH3) - mg/l	-	-	-	-	1/2 Weeks	Grab
00610 - Nitrogen, Ammonia (NH3) - mg/l	3	-	2	0.11	1/2 Weeks	Grab
01330 - Odor, Severity - Units	-	-	-	-	1/Day	Estimate
01350 - Turbidity, Severity - Units	-	-	-	-	1/Day	Estimate
31616 - Fecal Coliform - #/100 ml	-	-	-	-	1/Month	Grab
50050 - Flow Rate - MGD	-	-	-	-	1/Day	Estimate
50060 - Chlorine, Total Residual - mg/l	-	-	-	-	1/2 Weeks	Grab
80082 - CBOD 5 day - mg/l	15	-	10	0.56	1/2 Weeks	Grab

Notes for station OIL00091601:

- EFFLUENT LOADINGS - Effluent loadings based on average design flow of 0.010 MGD.
- CHLORINE - See Part II, Items G and H.
- COLOR, ODOR, TURBIDITY - See Part II, Item E.

Part I, A. - FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

3. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from outfall 01L00091011. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Table - Final Outfall - 011 - Final

Effluent Characteristic  Parameter	Discharge Limitations					Monitoring Requirements		
	Concentration Specified Units		Loading* kg/day		Measuring Frequency	Sampling Type	Monitoring Months	
	Maximum	Minimum	Weekly	Monthly				Daily
00045 - Total Precipitation - Inches	-	-	-	-	-	1/Day	Total	All
00400 - pH - S.U.	9.0	6.5	-	-	-	1 / 2 Weeks	Grab	All
00530 - Total Suspended Solids - mg/l	70	-	-	35	-	1/Year	Grab	All
01045 - Iron, Total (Fe) - ug/l	6000	-	-	3000	-	1 / 2 Weeks	Grab	All
01055 - Manganese, Total (Mn) - ug/l	4000	-	-	2000	-	1 / 2 Weeks	Grab	All
50050 - Flow Rate - MGD	-	-	-	-	-	1/Day	Total Estimate	All

Notes for Station Number 01L00091011:

- ALTERNATIVE LIMITS - Discharge from the outfall designated above may, as an option, conform with effluent limitations and monitoring requirements listed in Part II, Item (K)(1)(b) instead of those listed above provided that all conditions in Part II, Item (K)(2) are met.
- SAMPLE TYPE - Sampling shall be performed when discharging. IF NO DISCHARGE OCCURS DURING THE ENTIRE MONTH, report "AL" in the first column of the first day of the month on the 4500 Form (Monthly Operating Report). A signature is still required.
- SAMPLING FREQUENCY - See Part II, Item J.
- LIMITED DISCHARGE - The discharge from this outfall is limited to mine related pollutants. Sanitary wastewater pollutants shall not be discharged from this outfall until the permit is modified to do so.

Part I, B. - SLUDGE MONITORING REQUIREMENTS

1. Sludge Monitoring. During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee shall monitor the treatment works' final sludge at Station Number 0IL00091588, and report to the Ohio EPA in accordance with the following table. See Part II, OTHER REQUIREMENTS, for location of sludge sampling.

Table - Sludge Monitoring - 588 - Final

Effluent Characteristic  Parameter	Discharge Limitations				Monitoring Requirements			
	Concentration Specified Units		Loading* kg/day		Measuring Frequency	Sampling Type	Monitoring Months	
	Maximum	Minimum	Weekly	Monthly				Daily
70318 - Sludge Solids, Percent Total - %	-	-	-	-	-	1/Month	Grab	All
80991 - Sludge Volume, Gallons - Gals	-	-	-	-	-	1/Month	Total	All

NOTES for Station Number 0IL00091588:

- MONITORING - Monitoring is required when sludge is removed from the wastewater treatment facility and disposed of at a publicly owned wastewater treatment plant. If no sludge is removed during the entire month, report "AL" in the first column of the first day of the month on the 4500 Form (Monthly Operating Report). A signature is still required.

- SLUDGE WEIGHT - Sludge weight is a calculated total for the sampling period.

## Part II, OTHER REQUIREMENTS

A. Description of the location of the required sampling stations are as follows:

Sampling Station	Description of Location
0IL00091 008	Raw and clean coal storage pile and prep plant area treatment pond final effluent; sample to be taken from discharge spillway prior to entering Piney Creek. (Lat: N 39 degrees 53' 51"; Long: W 81 degrees 01' 13")
0IL00091 011	Office/bath house, parking lots, supply yard, portal, and conveyor area treatment pond final effluent. Also receives discharge from outfall 601 and water pumped from the mine works. Sample to be taken from the discharge structure prior to Piney Creek. (Lat: N 39 degrees 53' 47"; Long: W 81 degrees 01' 19")
0IL00091 601	Main office/bath house and prep plant bath house sanitary wastewater treatment plant (WWTP) discharge; sample to be taken from effluent pump station after treatment prior to being pumped into the pond at outfall 001.
0IL00091 588	Sludge removed from the sanitary wastewater treatment plant and disposed of at a sanitary wastewater treatment facility.

B. This permit shall be modified, or alternatively, revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved under Sections 301(b)(2)(C) and (D), 304(b)(2), and 307(a)(2) of the Clean Water Act, if the effluent standard or limitation so issued or approved.

1. Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
2. Controls any pollutant not limited in the permit.

The permit as modified or reissued under this paragraph shall also contain any other requirements of the Act then applicable.

C. All parameters, except flow, need not be monitored on days when the plant is not normally staffed (Saturdays, Sundays, and Holidays). On those days, report "AN" on the monthly report form.

D. Permit limitations may be revised in order to meet water quality standards after a stream use determination and waste load allocation are completed and approved. This permit may be modified, or alternatively, revoked and reissued, to comply with any applicable water quality effluent limitations.

E. If Severity Units are required for Turbidity, Odor, or Color, use the following table to determine the value between 0 and 4 that is reported.

REPORTED VALUE*	SEVERITY DESCRIPTION	TURBIDITY	ODOR	COLOR
0	None	Clear	None	Colorless
1	Mild			
2	Moderate	Light Solids	Musty	Grey
3	Serious			
4	Extreme	Heavy Solids	Septic	Black

\* Interpolate between the descriptive phrases.

F. Grab samples shall be collected at such times and locations, and in such fashion, as to be representative of the facility's performance.

G. Effluent disinfection is not directly required, however, the entity is required to meet all applicable discharge permit limits. If disinfection facilities exist, they shall be maintained in an operable condition. Any design of wastewater treatment facilities should provide for the capability to install disinfection if required at a future time. Disinfection may be required if future bacteriological studies or emergency conditions indicate the need.

H. The parameters below have had effluent limitations established that are below the OEPA Quantification Level (OEPA QL) for the 40 CFR 136 promulgated analytical procedure for those parameters. In accordance with the ORC Section 6111.13 and OAC Rule 3745-33-07(C), if a discharge limit is set below the OEPA QL, any analytical result reported less than the OEPA QL shall be considered to be in compliance with that limit.

REPORTING:

All analytical results, even those below the OEPA QL (listed below), shall be reported. Analytical results are to be reported as follows:

1. Results above the QL: Report the analytical result for the parameter of concern.
2. Results above the MDL, but below the QL: Report the analytical result, even though it is below the QL.
3. Results below the MDL: Analytical results below the method detection limit shall be reported as "below detection" using the reporting code "AA".

The following table of quantification levels will be used to determine compliance with NPDES permit limits:

Parameter	QL	ML
Chlorine, Total Residual	0.050 mg/l	--

This permit may be modified, or alternatively, revoked and reissued, to include more stringent effluent limits or conditions if information generated as a result of the conditions of this permit indicate the presence of these pollutants in the discharge at levels above the WQBEL.

I. Final permit limitations based on preliminary or approved waste load allocations are subject to change based on modifications to or finalization of the allocation or report or changes to Water Quality Standards. Monitoring requirements and/or special conditions of this permit are subject to change based on regulatory or policy changes.

J. "1/2 weeks sampling frequency " means that one sample shall be collected during the first fourteen days of the month and another sample shall be collected during the remainder of the month.



## K. Coal Preparation Plants and Coal Washers Only

Coal facilities are eligible for the alternative effluent limits listed in section (1) below provided that the applicability and submission requirements listed in section (2) below are met.

### 1. Alternative Effluent Limits

a. Discharges from Preparation Plants and Preparation Plant Associated Areas (outfall 0IL00091 008) - if the discharge or increase in the volume of the discharge from a preparation plant and preparation plant associated area is caused by precipitation less than or equal to the 2-year, 24-hour precipitation event (or snowmelt of equivalent volume), the alternative limits are as follows:

EFFLUENT CHARACTERISTIC		DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS
Code/Units	Parameter	Concentration	Loading	Measurement/Sample Frequency/ Type
		Other Units (Specify) 30 Day/Daily	Kg/day 30 Day/Daily	
00045 IN	Total Precipitation	-/-	-/-	Daily / 24 Hr. Total
00400 S.U.	pH	6.5 to 9.0 at all times		1/2 Weeks / Grab
00530 mg/l	Total Suspended Solids	-/-	-/-	1/2 Weeks / Grab
00545 ml/l	Residue, Settleable	0.5 maximum not to be exceeded		1/2 Weeks / Grab
01045 ug/l	Iron, Total (Fe)	-/7.0	-/-	1/2 Weeks / Grab
01055 ug/l	Manganese, Total (Mn)	-/-	-/-	1/2 Weeks / Grab
50050 MGD	Flow Rate	-/-	-/-	Daily / 24 Hr. Total

b. Discharges from all Mining Areas During Precipitation Events Greater than the 10-Year, 24-Hour Event - if the discharge or increase in the volume of the discharge from any area affected by coal mining is caused by precipitation greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume), the alternative limits are as follows:

EFFLUENT CHARACTERISTIC		DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS
Reporting		Concentration Other Units (Specify)	Loading Kg/day	Measurement / Sample Frequency / Type
Code/Units	Parameter	30 Day/Daily	30 Day/Daily	
00045 IN	Total Precipitation	-/-	-/-	Daily / 24 Hr. Total
00400 S.U.	pH	6.5 to 9.0 at all times		1/2 Weeks / Grab
00530 mg/l	Total. Suspended			
	Solids	-/-	-/-	1/2 Weeks / Grab
00545 ml/l	Residue,			
	Settleable	-/-	-/-	1/2 Weeks / Grab
01045 ug/l	Iron, Total (Fe)	-/-	-/-	1/2 Weeks / Grab
01055 ug/l	Manganese,			
	Total (Mn)	-/-	-/-	1/2 Weeks / Grab
50050 MGD	Flow Rate	-/-	-/-	Daily / 24 Hr. Total

## 2. Applicability and Submission Requirements

a. The samples of the discharge for all parameters listed are collected during, or within 24 hours after the applicable precipitation event.

b. The operator proves that the discharge or the increase in the discharge was caused by the applicable precipitation event. The following information must be submitted by the permittee as proof of qualification for the alternative effluent limitations:

i. A statement of the precipitation event for which the alternative limits are being sought and the amount of rainfall specified for that precipitation event as defined by the National Weather Service and Technical Paper No. 40, "Rainfall Atlas of the United States", May 1961, or equivalent regional rainfall probability information developed therefrom;

ii. The date, duration (time begin/time end), and total 24-hour accumulation (inches), of the precipitation which caused the discharge or increase in volume of the discharge; and

iii. The date and time grab samples were collected.

c. The permittee should report "AH" in the appropriate location on the Monthly Operating Report (MOR) Form 4500 where the data would have gone if alternative limits were not applicable. The information required above in Part II, Item (L)(2)(b) should be included in the "Additional Remarks" section of the MOR form.

L. Ammonia shall not be used at any outfall for treatment without approval of the Ohio EPA.

### PART III - GENERAL CONDITIONS

#### 1. DEFINITIONS

"Daily load" is the total discharge by weight during any calendar day. If only one sample is taken during a day, the weight of pollutant discharge calculated from it is the daily load.

"Daily concentration" means the arithmetic average of all the determinations of concentration made during the day. If only one sample is taken during the day, its concentration is the daily concentration. Coliform bacteria limitations compliance shall be determined using the geometric mean.

"Weekly load" is the total discharge by weight during any 7-day period divided by the number of days in that 7-day period that the facility was in operation. If only one sample is taken in a 7-day period, the weight of pollutant discharge calculated from it is the 7-day load. If more than one sample is taken during the 7-day period, the 7-day load is calculated by determining the daily load for each day sampled, totaling the daily loads for the 7-day period, and dividing by the number of days sampled.

"Weekly concentration" means the arithmetic average of all the determinations of daily concentration limitation made during the 7-day period. If only one sample is taken during the 7-day period, its concentration is the 7-day concentration for that 7-day period. Coliform bacteria limitations compliance shall be determined using the geometric mean.

"Monthly load" is the total discharge by weight during all days in a calendar month divided by the number of days that the facility was in operation during that month. If only one sample is taken during the month the weight of pollutant discharge calculated from it is the monthly load. If more than one sample is taken during the month, the monthly load is calculated by determining the daily load for each day sampled, totaling the daily loads for the month and dividing by the number of days sampled.

"Monthly concentration" means the arithmetic average of all the determinations of daily concentration made during any calendar month. If only one sample is taken during the month, its concentration is the monthly concentration for that period. Coliform bacteria limitations compliance shall be determined using the geometric mean.

"85 percent removal" means the arithmetic mean of the values for effluent samples collected in a period of 30 consecutive days shall not exceed 15 percent of the arithmetic mean of the values for influent samples collected at approximately the same times during the same period.

"Absolute Limitations" Compliance with limitations having descriptions of "shall not be less than," "not greater than," "shall not exceed," "minimum," or "maximum" shall be determined from any single value for effluent samples and/or measurements collected.

"Net concentration" shall mean the difference between the concentration of a given substance in a sample taken of the discharge and the concentration of the same substances in a sample taken at the intake which supplies water to the given process. For the purpose of this definition, samples that are taken to determine the net concentration shall always be 24-hour composite samples made up of at least six increments taken at regular intervals throughout the plant day.

"Net load" shall mean the difference between the load of a given substance as calculated from a sample taken of the discharge and the load of the same substance in a sample taken at the intake which supplies water to given process. For purposes of this definition, samples that are taken to determine the net Loading shall always be 24-hour composite samples made up of at least six increments taken at regular intervals throughout the plant day.

"MGD" means million gallons per day.

"mg/l" means milligrams per liter.

"ug/l" means micrograms per liter.

"Reporting Code" is a five digit number used by the Ohio EPA in processing reported data. The reporting code does not imply the type of analysis used nor the sampling techniques employed.

"Quarterly (1/Quarter) sampling frequency" means the sampling shall be done in the months of March, June, August, and December, unless specifically identified otherwise in the Effluent Limitations and Monitoring Requirements table.

"Yearly (1/Year) sampling frequency" means the sampling shall be done in the month of September, unless specifically identified otherwise in the effluent limitations and monitoring requirements table.

"Semi-annual (2/Year) sampling frequency" means the sampling shall be done during the months of June and December, unless specifically identified otherwise.

"Winter" shall be considered to be the period from November 1 through April 30.

"Bypass" means the intentional diversion of waste streams from any portion of the treatment facility.

"Summer" shall be considered to be the period from May 1 through October 31.

"Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

"Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

## 2. GENERAL EFFLUENT LIMITATIONS

The effluent shall, at all times, be free of substances:

- A. In amounts that will settle to form putrescent, or otherwise objectionable, sludge deposits; or that will adversely affect aquatic life or water fowl;
- B. Of an oily, greasy, or surface-active nature, and of other floating debris, in amounts that will form noticeable accumulations of scum, foam or sheen;
- C. In amounts that will alter the natural color or odor of the receiving water to such degree as to create a nuisance;
- D. In amounts that either singly or in combination with other substances are toxic to human, animal, or aquatic life;
- E. In amounts that are conducive to the growth of aquatic weeds or algae to the extent that such growths become inimical to more desirable forms of aquatic life, or create conditions that are unsightly, or constitute a nuisance in any other fashion;
- F. In amounts that will impair designated instream or downstream water uses.

## 3. FACILITY OPERATION AND QUALITY CONTROL

All wastewater treatment works shall be operated in a manner consistent with the following:

- A. At all times, the permittee shall maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems installed or used by the permittee necessary to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with conditions of the permit.
- B. The permittee shall effectively monitor the operation and efficiency of treatment and control facilities and the quantity and quality of the treated discharge.
- C. Maintenance of wastewater treatment works that results in degradation of effluent quality shall be scheduled during non-critical water quality periods and shall be carried out in a manner approved by Ohio EPA as specified in the Paragraph in the PART III entitled, "UNAUTHORIZED DISCHARGES".

## 4. REPORTING

- A. Monitoring data required by this permit may be submitted in hardcopy format on the Ohio EPA 4500 report form pre-printed by Ohio EPA or an approved facsimile. Ohio EPA 4500 report forms for each individual sampling station are to be received no later than the 15th day of the month following the month-of-interest. The original report form must be signed and mailed to:

Ohio Environmental Protection Agency  
Lazarus Government Center  
Division of Surface Water  
Enforcement Section ES/MOR  
P.O. Box 1049  
Columbus, Ohio 43216-0149

Monitoring data may also be submitted electronically using Ohio EPA developed SWIMware software. Data must be transmitted to Ohio EPA via electronic mail or the bulletin board system by the 20th day of the month following the month-of-interest. A Surface Water Information Management System (SWIMS) Memorandum of Agreement (MOA) must be signed by the responsible official and submitted to Ohio EPA to receive an authorized Personal Identification Number (PIN) prior to sending data electronically. A hardcopy of the Ohio EPA 4500 form must be generated via SWIMware, signed and maintained onsite for records retention purposes.

B. If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified below, the results of such monitoring shall be included in the calculation and reporting of the values required in the reports specified above.

C. Analyses of pollutants not required by this permit, except as noted in the preceding paragraph, shall not be reported on Ohio EPA report form (4500) but records shall be retained as specified in the paragraph entitled "RECORDS RETENTION".

#### 5. SAMPLING AND ANALYTICAL METHOD

Samples and measurements taken as required herein shall be representative of the volume and nature monitored flow. Test procedures for the analysis of pollutants shall conform to regulation 40 CFR 136, "Test Procedures For The Analysis of Pollutants" unless other test procedures have been specified in this permit. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and instrumentation at intervals to insure accuracy of measurements.

#### 6. RECORDING OF RESULTS

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- A. The exact place and date of sampling; (time of sampling not required on EPA 4500)
- B. The person(s) who performed the sampling or measurements;
- C. The date the analyses were performed on those samples;
- D. The person(s) who performed the analyses;
- E. The analytical techniques or methods used; and
- F. The results of all analyses and measurements.

## 7. RECORDS RETENTION

The permittee shall retain all of the following records for the wastewater treatment works for a minimum of three years, including:

- A. All sampling and analytical records (including internal sampling data not reported);
- B. All original recordings for any continuous monitoring instrumentation;
- C. All instrumentation, calibration and maintenance records;
- D. All plant operation and maintenance records;
- E. All reports required by this permit; and
- F. Records of all data used to complete the application for this permit for a period of at least three years from the date of the sample, measurement, report, or application.

These periods will be extended during the course of any unresolved litigation, or when requested by the Regional Administrator or the Ohio EPA. The three year period for retention of records shall start from the date of sample, measurement, report, or application.

## 8. AVAILABILITY OF REPORTS

Except for data determined by the Ohio EPA to be entitled to confidential status, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the appropriate district offices of the Ohio EPA. Both the Clean Water Act and Section 6111.05 Ohio Revised Code state that effluent data and receiving water quality data shall not be considered confidential.

## 9. DUTY TO PROVIDE INFORMATION

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking, and reissuing, or terminating the permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

## 10. RIGHT OF ENTRY

The permittee shall allow the Director or an authorized representative upon presentation of credentials and other documents as may be required by law to:

- A. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit.
- B. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit.
- C. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit.
- D. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

11. UNAUTHORIZED DISCHARGES

A. Bypassing or diverting of wastewater from the treatment works is prohibited unless:

1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of downtime. This condition is not satisfied if adequate back up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
3. The permittee submitted notices as required under paragraph D. of this section,

B. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

C. The Director may approve an unanticipated bypass after considering its adverse effects, if the Director determines that it has met the three conditions listed in paragraph 11.A. of this section.

D. The permittee shall submit notice of an unanticipated bypass as required in section 12. A.

E. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded if that bypass is for essential maintenance to assure efficient operation.



## 12. NONCOMPLIANCE NOTIFICATION

A. The permittee shall by telephone report any of the following within twenty-four (24) hours of discovery at (toll free) 1-800-282-9378:

1. Any noncompliance which may endanger health or the environment;
2. Any unanticipated bypass which exceeds any effluent limitation in the permit; or
3. Any upset which exceeds any effluent limitation in the permit.
4. Any violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit.

B. For the telephone reports required by Part 12.A., the following information must be included:

1. The times at which the discharge occurred, and was discovered;
2. The approximate amount and the characteristics of the discharge;
3. The stream(s) affected by the discharge;
4. The circumstances which created the discharge;
5. The names and telephone numbers of the persons who have knowledge of these circumstances;
6. What remedial steps are being taken; and
7. The names and telephone numbers of the persons responsible for such remedial steps.

C. These telephone reports shall be confirmed in writing within five days of the discharge and submitted to the appropriate Ohio EPA district office. The report shall include the following:

1. The limitation(s) which has been exceeded;
2. The extent of the exceedance(s);
3. The cause of the exceedance(s);
4. The period of the exceedance(s) including exact dates and times;
5. If uncorrected, the anticipated time the exceedance(s) is expected to continue, and
6. Steps being taken to reduce, eliminate, and/or prevent occurrence of the exceedance(s).

**D. Compliance Schedule Events:**

If the permittee is unable to meet any date for achieving an event, as specified in the schedule of compliance, the permittee shall submit a written report to the appropriate district office of the Ohio EPA within 14 days of becoming aware of such situation. The report shall include the following:

1. The compliance event which has been or will be violated;
2. The cause of the violation;
3. The remedial action being taken;
4. The probable date by which compliance will occur; and
5. The probability of complying with subsequent and final events as scheduled.

E. The permittee shall report all instances of noncompliance not reported under paragraphs A, B, or C of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraphs B and C of this section.

F. Where the permittee becomes aware that it failed to submit any relevant application or submitted incorrect information in a permit application or in any report to the director, it shall promptly submit such facts or information.

**13. RESERVED****14. DUTY TO MITIGATE**

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

**15. AUTHORIZED DISCHARGES**

All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant identified in this permit more frequently than, or at a level in excess of, that authorized by this permit shall constitute a violation of the terms and conditions of this permit. Such violations may result in the imposition of civil and/or criminal penalties as provided for in Section 309 of the Act and Ohio Revised Code Sections 6111.09 and 6111.99.

**16. DISCHARGE CHANGES**

The following changes must be reported to the appropriate Ohio EPA district office as soon as practicable:

A. For all treatment works, any significant change in character of the discharge which the permittee knows or has reason to believe has occurred or will occur which would constitute cause for modification or revocation and reissuance. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. Notification of permit changes or anticipated noncompliance does not stay any permit condition.

B. For publicly owned treatment works:

1. Any proposed plant modification, addition, and/or expansion that will change the capacity or efficiency of the plant;
2. The addition of any new significant industrial discharge; and
3. Changes in the quantity or quality of the wastes from existing tributary industrial discharges which will result in significant new or increased discharges of pollutants.

C. For non-publicly owned treatment works any proposed facility expansions, production increases, or process modifications, which will result in new, different, or increased discharges of pollutants.

Following this notice, modifications to the permit may be made to reflect any necessary changes in permit conditions, including any necessary effluent limitations for any pollutants not identified and limited herein. A determination will also be made as to whether a National Environmental Policy Act (NEPA) review will be required. Sections 6111.44 and 6111.45, Ohio Revised Code, require that plans for treatment works or improvements to such works be approved by the Director of the Ohio EPA prior to initiation of construction.

D. In addition to the reporting requirements under 40 CFR 122.41(l) and per 40 CFR 122.42(a), all existing manufacturing, commercial mining, and silvicultural dischargers must notify the Director as soon as they know or have reason to believe:

1. That any activity has occurred or will occur which would result in the discharge on a routine or frequent basis of any toxic pollutant which is not limited in the permit. If that discharge will exceed the highest of the "notification levels" specified in 40 CFR Sections 122.42(a)(1)(i) through 122.42(a)(1)(iv).
2. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the "notification levels" specified in 122.42(a)(2)(i) through 122.42(a)(2)(iv).

#### 17. TOXIC POLLUTANTS

The permittee shall comply with effluent standards or prohibitions established under Section 307 (a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement. Following establishment of such standards or prohibitions, the Director shall modify this permit and so notify the permittee.

#### 18. PERMIT MODIFICATION OR REVOCATION

A. After notice and opportunity for a hearing, this permit may be modified or revoked, by the Ohio EPA, in whole or in part during its term for cause including, but not limited to, the following:

1. Violation of any terms or conditions of this permit;
2. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
3. Change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

B. Pursuant to rule 3745-33-04, Ohio Administrative Code, the permittee may at any time apply to the Ohio EPA for modification of any part of this permit. The filing of a request by the permittee for a permit modification or revocation does not stay any permit condition. The application for modification should be received by the appropriate Ohio EPA district office at least ninety days before the date on which it is desired that the modification become effective. The application shall be made only on forms approved by the Ohio EPA.

**19. TRANSFER OF OWNERSHIP OR CONTROL**

This permit may be transferred or assigned and a new owner or successor can be authorized to discharge from this facility, provided the following requirements are met:

A. The permittee shall notify the succeeding owner or successor of the existence of this permit by a letter, a copy of which shall be forwarded to the appropriate Ohio EPA district office. The copy of that letter will serve as the permittee's notice to the Director of the proposed transfer. The copy of that letter shall be received by the appropriate Ohio EPA district office sixty (60) days prior to the proposed date of transfer;

B. A written agreement containing a specific date for transfer of permit responsibility and coverage between the current and new permittee (including acknowledgement that the existing permittee is liable for violations up to that date, and that the new permittee is liable for violations from that date on) shall be submitted to the appropriate Ohio EPA district office within sixty days after receipt by the district office of the copy of the letter from the permittee to the succeeding owner;

At anytime during the sixty (60) day period between notification of the proposed transfer and the effective date of the transfer, the Director may prevent the transfer if he concludes that such transfer will jeopardize compliance with the terms and conditions of the permit. If the Director does not prevent transfer, he will modify the permit to reflect the new owner.

**20. OIL AND HAZARDOUS SUBSTANCE LIABILITY**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act.

**21. SOLIDS DISPOSAL**

Collected screenings, slurries, sludges, and other solids shall be disposed of in such a manner as to prevent entry of those wastes into waters of the state. For publicly owned treatment works, these shall be disposed of in accordance with the approved Ohio EPA Sludge Management Plan.

**22. CONSTRUCTION AFFECTING NAVIGABLE WATERS**

This permit does not authorize or approve the construction of any onshore or offshore physical structures or facilities or the undertaking of any work in any navigable waters.

**23. CIVIL AND CRIMINAL LIABILITY**

Except as exempted in the permit conditions on UNAUTHORIZED DISCHARGES or UPSETS, nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

**24. STATE LAWS AND REGULATIONS**

Nothing in this permit shall be construed to preclude the institution of any legal action nor relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Clean Water Act.

**25. PROPERTY RIGHTS**

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.

26. UPSET

The provisions of 40 CFR Section 122.41(n), relating to "Upset," are specifically incorporated herein by reference in their entirety. For definition of "upset," see Part III, Paragraph 1, DEFINITIONS.

27. SEVERABILITY

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

28. SIGNATORY REQUIREMENTS

All applications submitted to the Director shall be signed and certified in accordance with the requirements of 40 CFR 122.22.

All reports submitted to the Director shall be signed and certified in accordance with the requirements of 40 CFR Section 122.22.

29. OTHER INFORMATION

A. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.

B. ORC 6111.99 provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$25,000 per violation.

C. ORC 6111.99 states that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$25,000 per violation.

D. ORC 6111.99 provides that any person who violates Sections 6111.04, 6111.042, 6111.05, or division (A) of Section 6111.07 of the Revised Code shall be fined not more than \$25,000 or imprisoned not more than one year, or both.

30. NEED TO HALT OR REDUCE ACTIVITY

40 CFR 122.41(c) states that it shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with conditions of this permit.

31. APPLICABLE FEDERAL RULES

All references to 40 CFR in this permit mean the version of 40 CFR which is effective as of the effective date of this permit.

7/SE

Application No. OH0059552

Ohio EPA Permit No. 0IL00091\*FD

**National Pollutant Discharge Elimination System (NPDES) Permit Program**

**P U B L I C   N O T I C E**

**NPDES Permit to Discharge to State Waters**

Ohio Environmental Protection Agency  
Permits Section  
122 South Front Street  
P. O. Box 1049  
Columbus, Ohio 43216-1049  
(614) 644-2001

Public Notice No. OEPA-02-02-019  
Date of Issue of Public Notice: February 8, 2002

Name and Address of Applicant: American Energy Corporation-Century Mine, 43521  
Mayhugh Hill Road, Beallsville, OH 43716

Name and Address of Facility Where Discharge Occurs: American Energy  
Corporation-Century Mine, Wayne Twp. Rd. 288, Section 3, Armstrong Mills, OH  
43904

Location of Discharge: 008 - 39° 53' 51" N; 81° 01' 13" W  
011 - 39° 53' 47" N; 81° 01' 19" W

Receiving Water: Piney Creek

This applicant is an inactive underground coal mine surface facility and has 2 existing discharge points. The current operations of this discharger result in an average effluent flow of 190,000 gallons per day. Key parameters to be limited in the permit are as follows: pH, Total Suspended Solids, Total Iron, Total Manganese, Ammonia Nitrogen, and CBOD<sub>5</sub>.

Ohio EPA Permit No. OIL00091\*FD

Public Notice No. 02-02-019

On the basis of preliminary staff review and application of standards and regulations, the director of the Ohio Environmental Protection Agency will issue a permit for the discharge subject to certain effluent conditions and special conditions. The draft permit will be issued as a final action unless the director revises the draft after consideration of the record of a public meeting or written comments, or upon disapproval by the administrator of the U.S. Environmental Protection Agency. Any person may submit written comments on the draft permit and administrative record and may request a public hearing. A request for public hearing shall be in writing and shall state the nature of the issues to be raised. In appropriate cases, including cases where there is significant public interest, the director may hold a public hearing on a draft permit or permits prior to final issuance of the permit or permits. Following final action by the director, any aggrieved party has the right to appeal to the Environmental Review Appeals Commission.

Interested persons are invited to submit written comments upon the discharge permit. Comments should be submitted in person or by mail no later than 30 days after the date of this public notice. Comments should be delivered or mailed to both of the following locations: 1) Ohio Environmental Protection Agency, Lazarus Government Center, Division of Surface Water, Permits Processing Unit, 122 South Front Street, P.O. Box 1049, Columbus, Ohio 43216-1049 and 2) Ohio Environmental Protection Agency, Southeast District Office, 2195 Front Street, Logan, Ohio 43138.

The Ohio EPA permit number and public notice numbers should appear next to the above address on the envelope and on each page of any submitted comments. All comments received no later than 30 days after the date of this public notice will be considered.

The application, fact sheets, permit including effluent limitations, special conditions, comments received, and other documents are available for inspection and may be copied at a cost of 5 cents per page at the Ohio Environmental Protection Agency at the address shown on page one of this public notice any time between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Copies of the public notice are available at no charge at the same address.

Mailing lists are maintained for persons or groups who desire to receive public notice for all applications in the state or for certain geographical areas. Persons or groups may also request copies of fact sheets, applications, or other documents pertaining to specific applications. Persons or groups may have their names put on such a list by making a written request to the agency at the address shown above.